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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,446	02/23/2004	Lauren Otsuki	NOCAR.007A	1443
20995 7590 01/14/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER ROYDS, LESLIE A				
ART UNIT		PAPER NUMBER		
1614				
NOTIFICATION DATE		DELIVERY MODE		
01/14/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/785,446	2/23/2004	OTSUKI ET AL.	NOCAR.007A

EXAMINER

Leslie A. Royds

ART UNIT

PAPER

1614

20090108

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

Applicant's supplemental response filed August 12, 2008 to the notice of non-responsive amendment dated July 30, 2008 has been received and entered into the present application. Applicant reiterates the election of the invention of Group II (claims 10-13 and 26-34), directed to a method for treating a cardiovascular disease comprising the administration of a pharmaceutical composition comprising an adenosine A1 receptor antagonist and a beta-blocker; and further states (and provides a structural depiction of) the compound KW-3902 as the elected AA1RA compound; the compound carvedilol as the elected beta-blocker compound; and heart failure as the elected species of cardiovascular disease.

Applicant's election of "carvedilol" as the beta-blocker compound for examination on the merits is non-compliant (for failing to satisfy the requirement of a single DISCLOSED specie) because the instant specification does not contain adequate written support for this specie of beta-blocker compound and, thus, raises an issue under the provisions of 35 U.S.C. 112, first paragraph. In the reply received August 12, 2008, Applicant has failed to direct the Examiner to the portion(s) of the instant specification that support the species of carvedilol as a disclosed specie of beta-blocker compound. Nevertheless, consideration of the full text of the instant specification failed to identify any disclosure of "carvedilol" as a beta-blocker compound useable in the instantly claimed method.

Accordingly, by issuance of the instant notice, Applicant is afforded the opportunity to elect a species of beta-blocker compound that has appropriate written support in the specification of this application. Applicant is advised that a proper response to this reply will reiterate (i) the group elected for examination, (ii) the SINGLE DISCLOSED SPECIE of cardiovascular disease elected for examination on the merits, (iii) the SINGLE DISCLOSED SPECIE of AA1RA compound elected for examination on the merits, and (iv) the SINGLE DISCLOSED SPECIE of beta-blocker compound elected for examination on the merits. Note that failure to set forth an election consistent with these instructions will again render the reply NON-COMPLIANT.

Since the above-mentioned reply appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

/Leslie A. Royds/
Patent Examiner, Art Unit 1614